

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAVORIS SANDIFER,

Defendant.

No. CR96-2061-MWB

**ORDER REGARDING SENTENCE
REDUCTION PURSUANT TO
18 U.S.C. § 3582(c)(2)**

This matter is before the court pursuant to its order dated February 28, 2008 and the hearing held on April 23, 2008. In the February 28, 2008 order, the court determined that it could rely on Amendment 706 to reduce the defendant's sentence. At the hearing, the court deemed it appropriate to exercise its discretion and grant the defendant a reduction under 18 U.S.C. § 3582(c)(2) and USSG §1B1.10. Accordingly, the defendant's previously imposed 204 month term of imprisonment, as reflected in the judgment dated December 8, 1998, is reduced to 172 months imprisonment.¹ The defendant's new term of imprisonment applies to count 1 of the indictment.² Except as provided above and as stated during the hearing, all provisions of the judgment dated December 8, 1998 remain in effect; the duration and other

¹ For purposes of the hearing and the instant order, the court relied on the following determinations:

Previous Offense Level:	36	Amended Offense Level:	34
Criminal History Category:	I	Criminal History Category:	I
Previous Guideline Range:	188 to 235 months	Amended Guideline Range:	151 to 188 months

The reduced sentence of 172 months imprisonment is within the amended guideline range.


² Count 1 charged the defendant under 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(A)(iii) and 18 U.S.C. § 2.

conditions of the defendant's supervised release remain unchanged. The court recommends that the Bureau of Prisons place the defendant at the Waterloo Residential Facility for a period of at least six months so that the defendant can participate in the Dual Diagnosis Program.

The Clerk of Court is directed to send a copy of this order to the Bureau of Prisons, that is, the place where the defendant is currently incarcerated. The Clerk of Court is also directed to send a copy of this order to the defendant, USM No. 07527-029.

IT IS SO ORDERED.

DATED this 25th day of April, 2008.



Michael J. Melloy
UNITED STATES CIRCUIT JUDGE
Sitting by Designation